

COPY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 22 2005

CERTIFIED MAIL #7003 2260 0002 0331 5444
RETURN RECEIPT REQUESTED

Ref: 8ENF-L

Scott Pettro
Petro Properties, L.L.C.
515 Hayley Court
Alpine, UT 84004

Re: Administrative Complaint and
Notice of Opportunity for Hearing
Docket No. CWA-08-2005-0053

Dear Mr. Pettro:

Enclosed is an Administrative Complaint and Notice of Opportunity for Hearing (Complaint) that the United States Environmental Protection Agency (EPA) is issuing to Pettro Properties, L.L.C., under the authority of section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). In the Complaint, EPA alleges that you have violated sections 301 and 404 of the CWA, 33 U.S.C. §§ 1311 and 1344, and their implementing regulations by discharging dredged and fill material into waters of the United States without a permit and by failing to perform mitigation required by a permit issued by the U.S. Army Corps of Engineers. The violations that EPA is alleging are specifically set out in the Complaint. The Complaint proposes that a penalty of \$85,000.00 be assessed against Pettro Properties, L.L.C., for these violations.

By law, you have the right to request a hearing regarding the violations alleged in the Complaint and the appropriateness of the proposed administrative civil penalty. Please pay particular attention to the section of the Complaint entitled "Notice of Opportunity to Request a Hearing." If you wish to request a hearing, you must file within thirty (30) days of your receipt of the enclosed Complaint, a written Answer with the EPA Regional Hearing Clerk at the address set forth in the Complaint. The written request must follow the requirements of the Consolidated Rules of Practice at 40 C.F.R. Part 22, a copy of which is enclosed. Note that should you fail to request a hearing within thirty (30) days of your receipt of the Complaint, you will waive your right to such a hearing and the proposed civil penalty may be assessed against you without further proceedings.



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If you wish to settle this matter without further legal action, you may waive your right to a hearing and, within thirty days of receipt of this letter, pay the proposed penalty to "Treasurer, United States of America," at the address set forth in the Complaint.

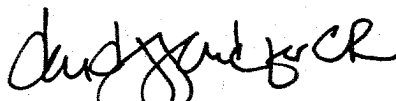
EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the time of an Agency enforcement activity pursuant to the Small Business Regulatory Enforcement and Fairness Act (SBREFA). SBREFA does not eliminate your responsibility to comply with the CWA or this Complaint, nor does it create any new rights or defenses under law. We have enclosed a SBREFA information sheet containing further information on compliance assistance resources and tools available to small businesses. Also enclosed is a Securities and Exchange Commission (SEC) Disclosure Notice.

Whether or not you request a hearing, you may confer informally with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement by way of an informal conference. If such a mutually satisfactory settlement can be reached, it will be formalized by the issuance of a Consent Agreement signed by you and the delegated official in EPA Region 8. The issuance of such a Consent Agreement shall constitute a waiver by you of your right to a hearing on, and to a judicial appeal of, the agreed upon civil penalty.

A request for an informal conference with EPA does not extend the thirty day period within which you must request or waive your right to a hearing, and the two procedures can be pursued simultaneously.

You have the right to be represented by an attorney at any stage in the proceedings, including any informal discussions with EPA, but it is not required. If you wish to discuss settlement or technical questions, please contact Monica Heimdal, Environmental Engineer, at 303-312-6359. Legal questions, including any communications from an attorney, should be directed to Wendy Silver, Enforcement Attorney, at 303-312-6637. We urge your prompt attention to this matter.

Sincerely,



Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

1. Administrative Complaint
2. Administrative Penalty Procedures (40 C.F.R. Part 22)

3. Certificate of Service
4. SBREFA Information Sheet
5. SEC Disclosure Notice

cc: Tina Artemis, EPA, Regional Hearing Clerk, w/enclosures
Amy S. Defreese, U.S. Army Corps of Engineers
Craig D. Galli, Holland & Hart (certified mail)
Bill Moellmer, State of Utah Department of Environmental Quality
Shawn Zinszer, U.S. Army Corps of Engineers

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2005 SEP 19 AM 10:30

IN THE MATTER OF:

**Pettro Properties, LLC
515 Hayley Court
Alpine, UT 84004**

Respondent.

FILED
EPA REGION VIII
HEARING CLERK

**ADMINISTRATIVE COMPLAINT
AND NOTICE OF OPPORTUNITY
FOR HEARING
Proceeding to Assess Class II
Administrative Penalty Under
Clean Water Act, Section 309(g)**

Docket No. CWA-08-2005-0053

This Administrative Complaint and Notice of Opportunity for Hearing ("Complaint") is issued pursuant to section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.13. Section 309(g) of the CWA authorizes the Administrator of the United States Environmental Protection Agency ("EPA") to make findings and to assess civil penalties for violations of section 301 of the CWA, 33 U.S.C. § 1311. This proceeding is subject to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, a copy of which accompanies this Complaint.

Complainant in this action is the Assistant Regional Administrator for the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8, who has been properly delegated the authority to issue this Complaint.

I. STATUTORY FRAMEWORK

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), among other things, prohibits the discharge of any pollutant into waters of the United States except as in compliance with a permit issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344.

2. Section 404(a) of the CWA, 33 U.S.C. § 1344(a), grants the Secretary of the Army, acting through the Chief of Engineers of the U.S. Army Corps of Engineers ("Corps"), the authority to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into navigable waters.
3. Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of a Class II civil penalty of up to \$11,000.00 per day for each violation of section 301 of the CWA, 33 U.S.C. § 1311, up to a maximum of \$157,500.

II. GENERAL ALLEGATIONS

1. Petro Properties, LLC ("Respondent"), is, or was at all relevant times, a Nevada corporation engaged in real estate development with offices located at 515 Hayley Court, Alpine, Utah.
2. At all relevant times, Respondent owned, controlled, and/or operated property containing wetlands in certain areas. Said property and wetlands are located at 1005 East 1860 South in Provo, Utah, and are also referred to as the Petro Spectrum Site (the "Site"). The Site is composed of the South Parcel and the North Parcel.
3. In 2000, Pentacore EPG performed a delineation of wetlands on the South Parcel. On September 1, 2000, the Corps verified the delineation identifying approximately 8.45 acres of waters of the United States, including wetlands, within the surveyed area.
4. On February 9, 2001, Pentacore EPG, on behalf of Respondent, applied to the Corps for an individual permit to fill 1.17 acres of wetlands on the South Parcel.
5. On June 18, 2001, the Corps issued a permit to Scott Petro, Petro Properties, to fill 1.17 acres of wetlands on the South Parcel. The permit required, among other things, creation

of 0.67 acres of wetlands on the South Parcel and placement of deed restrictions on the remaining 5.45 acres of wetlands on the South Parcel. These requirements were never fulfilled by Respondent and are violations of the permit.

6. In or around November of 2001, Pentacore EPG collected field data for a wetland delineation on the North Parcel; the delineation is dated January 17, 2002. Pentacore EPG identified 8.95 acres of waters of the United States, including wetlands, within the surveyed area. This delineation was never submitted to the Corps for verification.
7. Beginning in November of 2002, Respondent commenced site preparation work, including the placement of fill into the permitted 1.17 acres of wetlands on the South Parcel.
8. Respondent further discharged dredged or fill material into approximately 9.39 acres of wetlands: approximately 2.19 acres on the South Parcel and 7.2 acres on the North Parcel. Respondent had neither applied for nor received a permit to discharge into said wetlands and has not been authorized by any permit issued under section 404 of the CWA, 33 U.S.C. § 1344, to allow the unauthorized discharges to remain.
9. On April 4, 2003, the Corps sent a letter to Respondent notifying it that unauthorized discharges of dredged and fill material into approximately 9 acres of wetlands had occurred at the Site.
10. The activities described in paragraphs 7 and 8 of Section II of this Complaint were performed using common earthmoving equipment, which was operated by Respondent or by somebody on behalf of Respondent.

11. Respondent is, and was at all relevant times, a “person” within the meaning of section 502(5) of the CWA, 33 U.S.C. § 1362(5).
12. The discharged dredged and fill material referenced in paragraphs 7 and 8 of Section II of this Complaint is, and was at all relevant times, “dredged material” and “fill material” within the meaning of 33 C.F.R. § 323.2(c) and 33 C.F.R. § 323.2(e), respectively, and “pollutants” within the meaning of section 502(6) of the CWA, 33 U.S.C. § 1362(6).
13. The equipment described in paragraph 10 of Section II of this Complaint is, and was at all relevant times, a “point source” within the meaning of section 502(14) of the CWA, 33 U.S.C. § 1362(14).
14. The wetlands referenced in paragraphs 7 and 8 of Section II of this Complaint were at all relevant times tributary to Utah Lake; all are “waters of the United States” within the meaning of 33 C.F.R. § 328.3(a) and therefore “navigable waters” within the meaning of section 502(7) of the CWA, 33 U.S.C. § 1362(7).
15. The placement of dredged or fill material into the wetlands constitutes the “discharge of pollutants” within the meaning of section 502(12) of the CWA, 33 U.S.C. § 1362(12).

III. DESCRIPTION OF VIOLATION

1. Respondent did not apply for or receive a section 404 permit from the Corps authorizing the discharges of dredged or fill material described in paragraph 8 of Section II of this Complaint prior to its discharge, as required under sections 301 and 404 of the CWA, 33 U.S.C. §§ 1311 and 1344.
2. The discharges of pollutants from a point source by Respondent into waters of the United States described in paragraph 8 of Section II of this Complaint were carried out without

the required permit issued by the Corps pursuant to section 404 of the CWA, 33 U.S.C. § 1344, and, therefore, constitute violations of sections 301 and 404 of the CWA, 33 U.S.C. §§ 1311 and 1344.

3. As described in paragraph 5 of Section II of this Complaint, on June 18, 2001, the Corps issued a permit to Scott Petro, Petro Properties, to fill 1.17 acres of wetlands on the South Parcel. The permit required Respondent to create 0.67 acres of wetlands on the South Parcel and to place deed restrictions on the remaining 5.45 acres of wetlands on the South Parcel. These requirements were never fulfilled by Respondent.
4. Respondent's failures to perform the mitigation required by the permit issued by the Corps pursuant to section 404 of the CWA, 33 U.S.C. § 1344, constitute violations of the permit and, therefore, violations of section 404 of the CWA, 33 U.S.C. § 1344.
5. Respondent is subject to the provisions of the CWA, 33 U.S.C. § 1251 et seq., including section 309(g) of the CWA, 33 U.S.C. § 1319(g).
6. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA has consulted with Walt Baker, Director, Division of Water Quality, State of Utah Department of Environmental Quality, regarding assessment of this administrative penalty by furnishing a copy of this Complaint and inviting him to comment on behalf of the State of Utah.

IV. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Based on the foregoing allegations and pursuant to the authority of section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA Region 8 hereby proposes to issue a Final Order Assessing Administrative Penalties to Respondent assessing a penalty in the amount of \$85,000.

The proposed penalty amount was determined by EPA after taking into account all factors identified in section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g). These factors include: the nature, circumstances, extent and gravity of the violation or violations; Respondent's prior compliance history and degree of culpability for the cited violations; any economic benefit or savings accruing to Respondent by virtue of the violations; Respondent's ability to pay the proposed penalty, and other matters as justice may require. EPA may issue the Final Order Assessing Administrative Penalties thirty (30) days after Respondent's receipt of this Notice, unless Respondent, within that time, requests a hearing on this Notice pursuant to the following section.

V. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

As provided in section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. § 22.15(c), Respondent has the right to request a hearing in this matter. If Respondent (1) contests any material fact upon which the Complaint is based, (2) contends that the amount of penalty proposed in the Complaint is inappropriate, or (3) contends that it is entitled to judgment as a matter of law, it must file a written answer in accordance with 40 C.F.R. § 22.15 within thirty (30) days after service of the Complaint.

Respondent's answer must (1) clearly admit, deny, or explain each of the factual allegations contained in the Complaint, (2) state the circumstances or arguments which are alleged to constitute grounds of defense, (3) state the facts intended to be placed at issue, (4) state the basis for opposing any proposed relief, and (5) specifically request a hearing, if desired. 40 C.F.R. § 22.15(b). Failure to admit, deny, or explain any factual allegation contained in the Complaint constitutes an admission of the allegation. 40 C.F.R. § 22.15(c).

Respondent's answer, an original and one copy, must be filed with:

Regional Hearing Clerk, 8RC
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

A copy of the answer and all other documents filed in this action must be served on:

Wendy Silver, 8ENF-L
Enforcement Attorney
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Be aware that should Respondent request a hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under section 309(g)(4)(B) of the CWA, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment.

IF RESPONDENT FAILS TO REQUEST A HEARING, IT WILL WAIVE ITS RIGHT TO CONTEST ANY OF THE ALLEGATIONS SET FORTH IN THE COMPLAINT.

IF RESPONDENT FAILS TO FILE A WRITTEN ANSWER WITHIN THE THIRTY (30) DAY LIMIT, A DEFAULT JUDGMENT MAY BE ENTERED PURSUANT TO 40 C.F.R. § 22.17. THIS JUDGMENT MAY IMPOSE THE FULL PENALTY PROPOSED IN THE COMPLAINT.

Should Respondent not request a hearing, EPA will issue a Final Order Assessing Administrative Penalties, and only members of the public who submit timely comments on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order Assessing Administrative Penalties and to hold a hearing thereon. EPA will grant the petition

and will hold a hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order Assessing Administrative Penalties.

VI. TERMS OF PAYMENT FOR QUICK RESOLUTION

If Respondent does not contest the findings and assessments set out above, this action may be resolved by paying the proposed penalty in full pursuant to 40 C.F.R. § 22.18. If such payment is made within thirty (30) calendar days of receipt of this Complaint, no Answer need be filed. For more time for payment, Respondent may file a statement agreeing to pay the penalty within thirty (30) days of receipt of the Complaint, then pay the money within sixty (60) days of such receipt. Penalty payment must be made by certified or cashier's check payable to "Treasurer, the United States of America," and remitted to:

U.S. Environmental Protection Agency
Regional Hearing Clerk
P.O. Box 360859
Pittsburgh, PA 15251

Copies of the check shall be sent to:

Monica Heimdal, 8ENF-W
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

and

Wendy Silver
Enforcement Attorney
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

A transmittal letter identifying the case title and docket number must accompany the remittance and copies of the check.

Payment of the penalty in this manner shall constitute consent by Respondent to the assessment of the proposed penalty and a waiver of Respondent's right to a hearing in this matter.

Neither assessment nor payment of an administrative civil penalty pursuant to section 309 of the CWA, 33 U.S.C. § 1319, shall affect Respondent's continuing obligation to comply with the CWA or any other Federal, state, or local law or regulations and any separate compliance order issued under section 309(a) of the CWA, 33 U.S.C. §1319(a), for the violations alleged herein.

VII. SETTLEMENT CONFERENCE

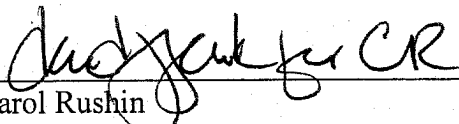
EPA encourages the exploration of settlement possibilities through an informal settlement conference. Please note that a request for, scheduling of, or participation in a settlement conference does not extend the period for filing an answer and request for hearing as set out above. The settlement process, however, may be pursued simultaneously with the administrative litigation process. If a settlement can be reached, its terms will be expressed in a written consent agreement signed by the parties and incorporated into a final order by the Regional Judicial Officer. 40 C.F.R. § 22.18. To explore the possibility of settlement in this matter, contact

Wendy Silver, Enforcement Attorney, at the address above. Ms. Silver can also be reached at (303) 312-6637.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8
Complainant.

Date:

16 Sept. 2005



Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by certified mail, return receipt requested, a copy of the foregoing ADMINISTRATIVE COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING, and a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, to:

Scott Petro
Petro Properties, LLC
515 Hayley Court
Alpine, UT 84004

Certified Return Receipt No. 7003 2260 0002 0331 5444

Craig D. Galli
Holland & Hart
60 East South Temple, Suite 2000
Salt Lake City, UT 84111

Certified Return Receipt No. 7003 2260 0002 0331 5451

Walt Baker, Director
Division of Water Quality
State of Utah Department of Environmental Quality
P.O. Box 14487
Salt Lake City, UT 84114-4870

Certified Return Receipt No. 7003 2260 0002 0331 5468

The original and one copy were hand-delivered to:

Tina Artemis, 8RC
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Date: 9/22/05 Judith M. McTernan

1st Page Only

§21.13

approve or disapprove the State issued statement, in accordance with the requirements of §21.5.

(2) The Regional Administrator will periodically review State program performance. In the event of State program deficiencies the Regional Administrator will notify the State of such deficiencies.

(3) During that period that any State's program is classified as deficient, statements issued by a State shall also be sent to the Regional Administrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any determination subsequently made, in accordance with §21.5, on any such statement.

(i) If within 60 days after notice of such deficiencies has been provided, the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the program, the Regional Administrator, after sufficient notice has been provided to the Regional Director of SBA, shall withdraw the approval of the State program.

(ii) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in §21.12(a).

(g) Funds appropriated under section 106 of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

§21.13 Effect of certification upon authority to enforce applicable standards.

The certification by EPA or a State for SBA Loan purposes in no way constitutes a determination by EPA or the State that the facilities certified (a) will be constructed within the time specified by an applicable standard or (b) will be constructed and installed in accordance with the plans and specifications submitted in the application, will be operated and maintained properly, or will be applied to process wastes which are the same as described in the application. The certification in no way constitutes a waiver by EPA or a State of its authority to take appropriate enforcement action against the owner or operator of such facilities for violations of an applicable standard.

40 CFR Ch. I (7-1-01 Edition)

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel in the SEC's Division of Corporation Finance. The phone number is (202) 942-2900.



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners

